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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 23, 2001

APPLICATION OF

ENKIDO VIRGINIA, INC.

CASE NO. PUC010095

For certificates of public  
convenience and necessity to  
provide local exchange and  
interexchange telecommunications  
services

ORDER FOR NOTICE AND HEARING

On August 15, 2001, Enkido Virginia, Inc. ("Enkido" or "Applicant"), completed an application for certificates of public convenience and necessity ("certificates") with the State Corporation Commission ("Commission") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that Enkido's application should be docketed; that the Applicant should give notice to the public of its application; that the Commission Staff should conduct an investigation into the reasonableness of the application and

present its findings in a Staff Report; that a public hearing should be convened to receive evidence relevant to Enkido's application for a certificate to provide local exchange telecommunications services and; if substantive objections are received, evidence shall be received at the public hearing with regard to Enkido's application for a certificate to provide interexchange telecommunications services.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC010095.

(2) A public hearing for the purpose of receiving evidence relevant to Enkido's application for a certificate to provide local exchange telecommunications services is scheduled for October 18, 2001, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia. If substantive objections to Enkido's application for a certificate to provide interexchange telecommunications services are received on or before September 24, 2001, the Commission will also hear evidence on this issue at the October 18, 2001, public hearing. If no such substantive objections are received on or before September 24, 2001, the Commission may grant Enkido's requested certificate to provide interexchange telecommunications services without conducting a hearing.

(3) On or before September 10, 2001, the Applicant shall complete publication of the following notice to be published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY  
ENKIDO VIRGINIA, INC. FOR CERTIFICATES OF  
PUBLIC CONVENIENCE AND NECESSITY  
TO PROVIDE LOCAL EXCHANGE AND INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES THROUGHOUT THE  
COMMONWEALTH OF VIRGINIA  
CASE NO. PUC010095

On August 15, 2001, Enkido Virginia, Inc. ("Enkido" or "Applicant"), filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. In its application, the Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

A public hearing for the purpose of receiving evidence relevant to Enkido's application for a certificate to provide local exchange telecommunications services is scheduled for October 18, 2001, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia. The Commission will hear evidence on Enkido's application for a certificate to provide interexchange telecommunications services at the October 18, 2001, public hearing only if substantive objections to that portion of Enkido's application are received on or before September 24, 2001.

If no such substantive objections are received on or before September 24, 2001, the Commission may grant Enkido's requested certificate to provide interexchange telecommunications services without conducting a hearing.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, or can be ordered from Enkido's counsel, Paul Hudson, Esquire, Swidler, Berlin, Shereff, Friedman, LLP, 2000 K Street, N.W., Suite 300, Washington, DC 20007.

Any person desiring to comment on Enkido's application for certificates to provide local exchange and interexchange telecommunications services may do so by directing such comments in writing on or before September 24, 2001, to the Clerk of the Commission at the address set out below. Any person desiring to make a statement at the public hearing concerning Enkido's application for a certificate to provide local exchange telecommunications services need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Respondent, pursuant to 5 VAC 5-20-80 of the Commission's Rules of Practice and Procedure, should promptly obtain a copy of the Order for Notice and Hearing from the Clerk of the Commission for complete details of the procedural schedule and instructions on participation.

Individuals with disabilities who require an accommodation to participate in the hearing should contact the Commission at least seven (7) days before the scheduled hearing date at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD).

All written communications to the Commission concerning Enkido's application should be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and must refer to Case No. PUC010095.

ENKIDO VIRGINIA, INC.

(4) On or before September 10, 2001, Applicant shall provide a copy of the notice contained in Ordering Paragraph (3) to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(5) On or before September 10, 2001, Applicant shall prefile with Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, an original and fifteen (15) copies of any additional direct testimony it intends to present at the public hearing. Copies shall also be served on any person who files a notice of participation.

(6) On or before September 24, 2001, any person wishing to lodge an objection to Enkido's application for a certificate to provide interexchange telecommunications services shall file an original and fifteen (15) copies of its objection in writing with the Clerk of the Commission at the address set forth in Ordering Paragraph (5) above. Written objections shall refer to Case No. PUC010095 and shall state with specificity why a hearing is necessary. If substantive objections are received, the Commission will hear evidence relevant to this portion of the application at the October 18, 2001, public hearing.

(7) Any person desiring to comment in writing on Enkido's application for a certificate to provide local exchange and interexchange telecommunications services may do so by directing such comments on or before September 24, 2001, to the Clerk of the Commission at the address set forth below in Ordering Paragraph (5) above. Comments must refer to Case No. PUC010095. Any person desiring to make a statement at the public hearing concerning Enkido's application for a certificate to provide local exchange telecommunications services need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

(8) On or before September 24, 2001, any person desiring to participate as a Respondent pursuant to 5 VAC 5-20-80 B of

the Commission's Rules of Practice and Procedure, shall file with the Clerk of the Commission at the address set forth in Ordering Paragraph (5) above an original and fifteen (15) copies of a notice of participation which shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. A copy simultaneously shall be served on counsel for Enkido, Paul Hudson, Esquire, Swidler, Berlin, Shereff, Friedman, LLP, 2000 K Street, N.W., Suite 300, Washington, DC 20007.

(9) On or before October 1, 2001, each Respondent shall file with the Clerk of the Commission at the address set forth in Ordering Paragraph (5) above an original and fifteen (15) copies of the prepared testimony and exhibits the Respondent intends to present at the hearing and shall on the same day mail a copy of the same to counsel for Enkido and other Respondents. Service upon counsel for Enkido shall be made at the address set forth above in Ordering Paragraph (8) above.

(10) On or before October 3, 2001, the Applicant shall file with the Commission proof of notice and proof of service as ordered herein.

(11) The Commission Staff shall analyze the reasonableness of Enkido's application and present its findings in a Staff Report to be filed on or before October 9, 2001.

(12) On or before October 9, 2001, if necessary, the Commission Staff may file an original and fifteen (15) copies of any prepared testimony and exhibits it intends to present at the public hearing. A copy of the Staff's direct testimony shall be mailed to counsel for the Applicant and to each Respondent. A copy shall be faxed to Counsel for the Applicant as well.

(13) On or before October 15, 2001, the Applicant shall file with the Clerk of the Commission at the address set forth in Ordering Paragraph (5) above an original and fifteen (15) copies of any testimony in rebuttal to any direct prefiled testimony of Staff and Respondents. A copy of the rebuttal testimony shall be faxed to Staff and mailed to the other parties by overnight delivery.

(14) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Parties shall provide to the Applicant, other additional parties, and Staff any workpapers or documents used in preparation of their requests for hearing, promptly upon request. Except as so modified, discovery shall be in accordance with Part IV of the Rules.